MINUTES FOR THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

November 22, 2005

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Rothschild, J. and P. Gonzalez, Deputy Clerk.

B174743 Mace v. City of Long Beach

Argument waived, cause submitted.

Each of the following:

B174280 Frias v. Ralphs Grocery Corp.

B175575 Mortensen v. Brennan

B177536 B.A.G. Investments et al., v. Hi-Tech Roofing

Argument continued to December 20, 2005

B178635 Norton v. Norton

Matter taken off calendar.

Mallano, J., leaves the bench.

DIVISION ONE (Continued)

B161305 Discover Bank

v.

Superior Court, Los Angeles County

(Christopher Boehr, r.p.i.)

Merits:

Argued by Julia B. Strickland for petitioner and by Brian R. Strange for real party in interest. Cause submitted.

B175408 Cheryl Lynn Stephen

v.

Ford Motor Co., et al.

Bridgestone Firestone North American Tire LLC

Merits:

Argued by Barbara J. Peters for appellant and by Richard A. Derevan and Arnold Larson for respondents. Cause submitted.

B178451 Cheryl Lynn Stephen

v.

Ford Motor Co., et al.

Bridgestone Firestone North America Tire LLC

Merits:

Argued by Barbara J. Peters for appellant and by Richard A. Derevan and Darren Ballas for respondents. Cause submitted.

Mallano, J., returns to the bench.

B178675 Angelika Taschen

v.

Benedikt Taschen

Merits:

Argued by Richard Sherman for appellant and by Glenn S. Buzard for respondent. Cause submitted.

DIVISION ONE (Continued)

Spencer, P.J., leaves the bench.

B179527 Monica Yeroushalmi

V.

Benetton USA Corp.,et al.

Merits:

Argued by Donald W. Brown for appellants and by Patrick Mesisca for

respondent. Cause submitted.

Spencer, P.J., returns to the bench.

Vogel, J., leaves the bench.

B179811 Abdul Massih Rizk et al.

v.

Amy E. Douglas

Merits:

Argued by Nolan F. King for appellants and by Russell A. Franklin for

respondent. Cause submitted.

Court adjourned.

B180028 People (Not for Publication)

v.

Engram

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, J., Acting P.J.

Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B177837 People (Not for Publication)

v.

Pentecost

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, J., Acting P.J.

Vogel (Miriam A.),

B182980 Los Angeles County, D.C.S. (Not for Publication)

V.

Elizabeth G.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Rothschild, J.

B183234 Los Angeles County, D.C.S. (Not for Publication)

v.

Rudy G.

The order denying Father's section 388 petition is affirmed, but the cause is remanded to the dependency court with directions to order the Department to comply with ICWA and to conduct such further proceedings as are necessary.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Mallano, J.

DIVISION ONE (Continued)

B179604 People (Not for Publication)

v. Gatica

The judgment is modified to delete the \$200 fine and, as modified, affirmed and remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Mallano, J., Acting P.J.

Rothschild, J.

B179068 People (Not for Publication)

v.

Gregory M.

Condition No. 15 is modified to provide that Gregory is not to "associate with [other] minors or anyone known by him to be disapproved of by [his] parents or probation officer," and Condition No. 16 is modified to provide that Gregory is not to "have any dangerous or deadly weapon in [his] possession [or] remain in the presence of any person known by him to be unlawfully armed." As modified, the order is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, J., Acting P.J.

Rothschild, J.

B178167 People (Not for Publication)

v.

Cunningham

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Mallano, J.

DIVISION ONE (Continued)

B177382 People (Not for Publication)

v.

Muhammad

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Rothschild, J.

B180728 People (Not for Publication)

v.

Quinonez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Mallano, J.

DIVISION TWO

B180603 Mercury Plastics, Inc. (Not for Publication)

v.

Rabchev, et al.

The judgment is reversed. The matter is remanded to the trial court for

further proceedings. Mercury is to recover its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

DIVISION TWO (Continued)

B181515 Craven, et al. (Not for Publication)

v.

Diversified Financial Concepts, Inc.

The order denying appellants' motion for class certification is affirmed. Respondent to recover its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

B177559 Dureza (Not for Publication)

v.

Tenet Healthcare Corporation, et al.

The November 11, 2004 order denying defendants' special motion to strike is affirmed. The July 28, 2004 order granting defendants' special motion to strike is reversed and the matter is remanded to the trial court with instructions to enter a new order denying the motion. Defendants are ordered to bear plaintiff's costs of appeal.

Doi Todd, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

B182352 Los Angeles County, D.C.S. (Not for Publication)

V.

Claudia M.

The orders of the juvenile court are affirmed.

Doi Todd, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

DIVISION TWO (Continued)

B181434 Los Angeles County, D.C.S. (Not for Publication)

v.

Stacy S.-W.

We reverse only the order terminating parental rights for the sole purpose of providing ICWA notice. If, after notice, Christy is not determined to be a member of the Cherokee Nation of Oklahoma Tribe or the United Keetoowah Band of Cherokee Indians, the order terminating parental rights shall stand. If Christy is found to be a member of a tribe, that tribe and mother shall be entitled to petition the juvenile court to invalidate orders that are in violation of the ICWA.

Doi Todd, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

B110119 People v. Wells (Not for Publication)

B116065 In re Wells on Habeas Corpus

The convictions on counts 2, 3 and 4 are reversed. The judgment is affirmed in all other respects. The order to show cause is discharged. The petition for writ of habeas corpus is denied.

Boren, P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

DIVISION THREE

B184682 JTS Development, Inc. v. M. Scott Cooper, et al. B186018 JTS Development, Inc. v. M. Scott Cooper, et al.

Filed order consolidating above captioned appeals.

DIVISION THREE (Continued)

B174858 People (Not for Publication)

v.

Vega, et al.

The judgments are affirmed.

Klein, P.J.

We concur: Croskey, J.

Kitching, J.

B172914 Sharon R. Edwards (Not for Publication)

V.

Oscar L. Edwards

The judgment is affirmed. Respondent(s) to recover costs.

Klein, P.J.

We concur: Kitching, J.

Aldrich, J.

DIVISION FOUR

B170507 Jones (Not for Publication)

v.

Brockmann et al.

The judgment is reversed in part to reflect the specific changes made in this opinion, and for recalculation of interest; otherwise the judgment is affirmed. Jones is to have his costs on appeal.

Epstein, P.J.

We concur: Hastings, J.

Willhite, J.

DIVISION FOUR (Continued)

B172704 John Moore and Patricia Moore (Not for Publication)

v.

United Services Automobile Association

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.

Hastings, J.

B176875 Strickland et al. (Not for Publication)

v.

Edna H. Pagel, Inc. et al.

The judgments are affirmed.

Willhite, J.

We concur: Epstein, P.J.

Curry, J.

DIVISION FIVE

B180682 Melissa Winship (Not for Publication)

V.

Larry Gerber

The judgment is reversed to the extent it omitted the lien of the reformed Second Deed of Trust from the property. The matter is remanded to the trial court; for the limited purpose of determining the priority of the lien. In all other respects, the judgment is affirmed. Larry Gerber and George Vernon are to bear Melissa Winship's costs on appeal.

Kriegler, J.

We concur: Armstrong, Acting P.J.

Mosk, J.

DIVISION SIX

B184017 In re Debra L. Koven (Certified for Publication)

B184018 on

Contempt

The Court:

We find Debra L. Koven guilty of two counts of direct criminal contempt of this court: One count for each petition for rehearing. She is ordered to pay a total fine of \$2,000. \$1,000 for each count of contempt, payable in the clerk's office of this court within 60 days after this decision becomes final for all purposes. Pursuant to Business and Professions Code section 6086.7, the clerk of this court is directed to forward to the State Bar a copy of this judgment of contempt. Upon the finality of judgment the clerk shall issue the remittiturs in case numbers B159344 and B168013.

DIVISION SEVEN

B176555 Morris-Gaf (Not for Publication)

V.

City of Los Angeles et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J. Zelon, J.

B172482 People (Not for Publication)

v.

Saldana

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.

Zelon, J.

DIVISION EIGHT

B184366 People (Not for Publication)

V.

Luis Alberto Bautista

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.

Flier, J.

B168079 Lee Eddins et al., (Certified for Publication)

v.

Sumner Redstone et al.,

The judgment is affirmed in part and reversed in part. The cause is remanded to the trial court with directions to vacate its order granting summary judgment, and to enter a new and different order (1) granting summary adjudication to the defendants of the cause of action for violation of the Cartwright Act, and (2) denying summary adjudication on the causes of action for violation of the Unfair Practices Act and the unfair competition law, except with respect to transactions between Blockbuster and Paramount, as to which summary adjudication is properly granted. The parties are to bear their own costs on appeal.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

B175580 California Oak Foundation et al.,

v.

City of Santa Clarita et al.,

Gate King Properties

Filed order denying petition for rehearing.